



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2404259
Applicant Name: Brittani Ard
Address of Proposal: 1138 15th Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into eight unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original lot and not to each of the new unit lots. A building permit has been approved and issued for the demolition of a single-family residence and the construction of four 2-unit townhouse structures (Project #2402162/Permit #743242).

The following approval is required:

Short Subdivision - to create eight (8) unit lots.
(SMC Chapter 23.24)

BACKGROUND DATA

Location: The subject site is located at the southeast corner of the intersection of 15th Avenue and East Union Street.

Zoning: Residential, Multi-family, Lowrise 3 ("L3").

Uses on site: Single-family residence (to be demolished). Eight townhouse units in four separate structures with attached garages (Project #2402162/Permit #743242).

Substantive site characteristics: The approximately 9,596-square foot parent lot slopes from the east to the west at a slope of less than 10%. At the site location, 15th Avenue, East Union Street, and an alley to the rear of the parent lot have been improved. 15th Avenue and East Union Street have curbs,

sidewalks, and gutters. There are no mapped or observed Environmentally Critical Areas on the parent lot.

Area characteristics: Properties surrounding the parent lot are also zoned L3. Properties in the area are primarily developed with multi-family and single-family residences, and a religious facility is located to the north of the site (across East Union Street).

Proposal: The applicant proposes to subdivide one parcel into eight unit lots with the following areas: Unit Lot A) 1,379 square feet; Unit Lot B) 1,162 square feet; Unit Lot C) 997 square feet; Unit Lot D) 1,260 square feet; Unit Lot E) 1,259 square feet; Unit Lot F) 1,161 square feet; Unit Lot G) 996 square feet; and Unit Lot H) 1,378 square feet.

Public Comment: Two public comment letters were received during the comment period which ended September 8, 2004. The comments raised concerns that the unit lot subdivision would require a variance, increased density would negatively impact property values in the area, and increased traffic on the alley would cause traffic hazards.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005, Access to lots;*
3. *Adequacy of drainage, water supply and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*

Summary - Short Subdivision

Based on information provided by the applicant; referral comments from DPD, Water (SPU), the Fire Department (SFD), and Seattle City Light; and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision.

The unit lots to be created by this short subdivision would meet all minimum standards or applicable exceptions set forth in the Land Use Code, and would be consistent with applicable development standards. As conditioned, this unit lot short subdivision could be provided with vehicular and pedestrian access and both public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply, and sanitary sewage disposal have been provided for each lot, and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in an Environmentally Critical Area; therefore, SMC 25.09.240 is not applicable. The unit lot short plat would not affect tree retention. The public use and interest would be served by the proposal because all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, is required when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing developments, residential cluster developments, or single-family residences. Section 23.24.045 requires the following:

- A. *The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Development of Records and Elections.*

F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045, subject to the conditions imposed at the end of this decision. The proposed development would consist of eight townhouses within four structures. The structures, as reviewed and approved under a separate building permit (DPD Project #2402162/Permit #743242), conformed to the development standards at the time the permit application was vested.

To assure that future owners have constructive notice that additional development may be limited; the applicant has included the following note on Sheet 1 of 7 of the plat: *“The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code Chapter 23 of the Seattle Municipal Code.”* In addition, a joint use/maintenance agreement has been added to the face of the plat, a City Light easement would be provided for electric service, and a pedestrian easement providing access from the unit lots to 15th Avenue would also be provided. Furthermore, parking and open space would be provided on each unit lot. Finally, the unit lot subdivision, as conditioned, would provide an easement or covenant for address signage for the proposed unit lots without street frontage (Unit Lot E, F, and G).

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY APPROVED**.

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. As applicable, add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat “For conditions of approval after recording see page ____ of ____.”
2. For the legal descriptions for Unit Lots A through H, correct the legal description of the “ingress, egress, and utility easement” so that the easement extends an additional 20 feet to the

west (to provide access to Unit Lots A and H). On Sheet 7 of 7, show the changed dimensions of the ingress, egress, and utility easement.

3. On the face of the plat, provide easement language for electric service as specified by Seattle City Light (Easement P.M. #250433-2-019).
4. On the face of the plat, include an easement or covenant for address signage visible from the street for the unit lots without street frontage (Unit Lots E, F, and G) for any unit lot that has a 15th Ave address.
5. On the face of the plat, provide a pedestrian access easement from the west edge of the "ingress, egress, and utility easement" to 15th Avenue. The easement shall be for the benefit of all eight unit lots and shall not eliminate any required open space areas.
6. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and any encroachments such as side yard easements, fences or structures shall be shown. The lot areas of each unit lot shall be shown on the recording documents.
7. Submit the final recording forms and any final fees for approval.

Signature: (signature on file) Date: December 16, 2004
Leslie C. Clark, AICP,
Land Use Planner